

AIR QUALITY MANAGEMENT

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**TITLE V  
OPERATING PERMITS PROGRAM**

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**PERMIT PROCESSING PROTOCOL
FOR
JEFFERSON COUNTY DEPARTMENT OF HEALTH
AND
U.S. EPA - REGION 4
AIR, PESTICIDES AND TOXICS MANAGEMENT DIVISION**

December 1999

I. PERMIT-RELATED INFORMATION EXCHANGE

This section describes how certain types of information will be provided by the Jefferson County Department of Health (JCDH) to Region 4 of the Environmental Protection Agency (EPA), to EPA Headquarters, and to the public. It applies to **all** Part 70 sources and specifies the types of information to be provided, the frequency for submittal, and if applicable, the method of transmission.

A. ELECTRONIC TRANSMITTAL OF INFORMATION TO REGION 4

Title V operating permit information will be transmitted by JCDH to EPA Region 4 in computer-readable electronic files or it will be made available via remote computer access. In the event such information cannot be converted into an electronic format, JCDH will submit the information to Region 4 in hard (paper) copy.

1. The following permit-related information will be transmitted to EPA in total initially and will be updated as specified thereafter:

a. *All proposed permits and final permits.* Proposed permits should be transmitted within five (5) working days from the date of the public notice. Final permits should be transmitted within ten (10) working days from the date of issuance.

b. *All permit applications and statements of basis.* Permit applications may be submitted in summary format (see Appendix A) and should be transmitted with the respective proposed permit.

c. *All public notices.* Public notices should be transmitted along with each proposed permit.

d. *All public comments (or summary thereof) which resulted in changes to the draft permit.* All settlements or decisions in permit appeals shall be provided within ten (10) working days from the date of the determination.

e. Other permit related information upon request.

2. The above permit-related information will be submitted in electronic file format to Region 4 by one of the following pathway(s):

a. Electronic mail;

b. 3.5" Diskette, formatted in DOS and clearly labeled; or

c. Remote access via the Internet. JCDH will officially notify Region 4 via electronic mail message that proposed or draft/proposed permits have been posted on their

remote computer system.

3. All electronic files will be named in a manner consistent with the filenaming convention described in Appendix C.
4. Confidential business information (CBI) may be submitted to Region 4 in electronic file format or in hard copy. Electronic files should be clearly annotated to indicate that CBI is included. Permit application summary forms (see Appendix A) need only indicate if CBI was included in the full application.
5. Each submittal meeting the criteria listed in section II.A. will be flagged as a submittal for comprehensive EPA review.

B. REPORTING TO EPA REGION 4

JCDH will transmit to EPA Region 4 a **quarterly report** summarizing the activity for the previous quarter. These reports are due to the Region thirty (30) days after the conclusion of the quarters ending December 31, March 31, June 30, and September 30. The reports shall contain the following information:

1. Number and List of Identified Title V Sources;
2. Number of Title V Applications Received;
3. Number of Title V Applications Deemed Complete;
4. Number of Draft/Proposed Title V Permits;
5. Number and List of Issued Title V Permits (including revisions);
6. Number and List of Issued FESOP/Synthetic Minor Permits (Including general FESOP/synthetic minor permits);
7. Number and List of Sources Operating Under Prohibitory/Exclusionary Rules;
8. Number and List of Sources Operating Under 1/25/95 Transition Policy (i.e., sources maintaining records of actual emissions and delaying either Title V or FESOP permitting pursuant to policy guidelines); and
9. Certain enforcement related information is required from the state and local programs for which EPA is identifying the Significant Violators and is directly entering the compliance and enforcement information into AFS. It is also required from the state and local programs that are not fully operational in entering information into AFS. This information required includes, but is not limited to, the number of civil, judicial and administrative enforcement actions either commenced or concluded, as well as the penalties obtained in those actions. This information is only required annually pursuant to part 70 and should be provided after the conclusion of the quarter ending September 30.

JCDH will also transmit to EPA Region 4 an **annual report** summarizing information regarding enforcement activities, including, but not limited to, the number of criminal, civil, judicial, and administrative enforcement

actions either commenced or concluded; the penalties, fines, and sentences obtained in those actions; and the number of administrative orders issued. This information is required annually pursuant to Part 70 and is due to the Region thirty (30) days after the conclusion of the quarter ending September 30.

The requested lists of information noted above are required in total initially; only updated information need be reported quarterly. Although the format of the report is at the discretion of JCDH, EPA requests that JCDH utilize the Regional report format.

All quarterly reports should be transmitted to the Air & Radiation Technology Branch in EPA Region 4. The enforcement related information referenced above may be submitted separately to the Air & EPCRA Enforcement Branch in EPA Region 4.

C. ELECTRONIC SUBMITTAL OF INFORMATION TO HEADQUARTERS

1. *AIRS permit data elements.* For each source which must have a title V permit, JCDH will maintain and update the following permit tracking information directly in AIRS on a quarterly basis:
 - a. Permit agency name;
 - b. New permit or permit modification;
 - c. AFS plant identification number;
 - d. Permit number; and
 - e. Date final permit issued.
2. *AIRS compliance data elements.* For each source which must have a title V permit, JCDH will maintain and update the following compliance information directly in AIRS on a quarterly basis:
 - a. Source Identification - source name, region, state, county, plant identification number;
 - b. Facility Address - street, city, zip code;
 - c. Standard Industrial Classification (SIC) Code;
 - d. Government Ownership Indicator;
 - e. Air Program - air program type and operating status;
 - f. Pollutant(s) - air program pollutants, class, attainment, compliance; and
 - g. Air Program Actions - inspections, NOV's, AOs, referrals and penalty amounts.

II. OPERATING PERMITS REVIEW STRATEGY

This section presents EPA Region 4's strategy for reviewing operating permits. Although EPA will receive electronic permit-related information for all title V sources as described in section I. above, the Region will focus its resources on a narrow sector of title V operating permits slated for issuance. Utilizing the criteria described below, EPA Region 4 and JCDH will jointly select sources for comprehensive review. The purpose of EPA's comprehensive review is to provide technical assistance and to identify problems in the early stages of initial permit issuance. EPA Region 4 reserves the right to request permit-related information for any source deemed necessary for review. Such discretion will enable EPA to audit a variety of source categories (e.g., NSPS, NESHAP, various SIC codes), permit types (e.g., general permits), and permit revisions.

A. EPA OPERATING PERMIT 45-DAY REVIEW CRITERIA

As part of the permit review strategy for Region 4, the following sources have been targeted for a comprehensive permit review:

1. Any source (e.g., significant violators, radionuclide sources, controversial sources) specifically requested by JCDH.
2. Any source proposing use of a monitoring plan to establish periodic monitoring after initial permit issuance. (Note: This would only occur in rare circumstances as discussed in EPA Region 4's December 24, 1998 letter to JCDH regarding monitoring plans for title V operating permits.)
3. Any source proposing use of a plant-wide applicability limit (PAL).
4. Any source requesting special permit conditions providing for operational flexibility.
5. All sources proposing an alternative (i.e., alternative to SIP, NSPS, NESHAP/MACT) emission limitation, test method, monitoring requirement, or record keeping requirement.
6. All municipal waste combustors subject under section 129(e).
7. Two (2) sources (preferably the first two drafted permits) subject to the Phase II requirements under the title IV acid rain program.
8. One (1) source (preferably the first drafted permit) subject to each MACT standard.
9. All sources subject to case-by-case MACT under 112(g), and the first source in a source category subject to case-by-case MACT under 112(j).
10. All sources associated with the early reduction program (40 CFR

part 63, subpart D).

11. Any source specifically requested by EPA Region 4.

B. INFORMATION TO BE SUBMITTED FOR EPA 45-DAY REVIEW

For sources specified in section II.A. above, JCDH will submit hard copies of the permit-related documents listed below.

1. The complete permit application (including attachments), the draft/proposed permit or proposed permit and the supporting statement of basis, and other information deemed necessary for Region 4 review, including but not limited to, information such as settlements and decisions from permit appeals. All submittals made in response to the EPA permit review strategy will use the checklist presented in Appendix B as a cover sheet.
2. For any source proposing an alternative emission limitation, test method, monitoring requirement, or record keeping requirement, JCDH will submit initial permit application(s), including attachments, immediately upon discovery.
3. Confidential business information (CBI) may also be submitted by JCDH to Region 4.

C. PARALLEL PERMIT REVIEW

The parallel review process is an option available for EPA review of draft/proposed permits which are not targeted for comprehensive review by EPA under section II.A. above. The parallel review period is essentially an overlap of the public's 30-day comment period for **draft** permits with EPA's 45-day review period for **proposed** permits (i.e., EPA's review period will extend 15 days beyond the public comment period). Part 70 permits which do not receive comment from the public, affected states, or EPA are eligible for issuance without further EPA review after the 45th day from the beginning of the public comment period. Permit packages processed under the parallel review process must meet the following conditions:

1. The draft/proposed permit package must be received by EPA no later than day 1 of the public comment period.
2. The public notice must indicate the end date of the public comment period and the end date of EPA's review period. Should the permit agency extend the public comment period or hold a public hearing after the parallel review period commences:
 - a. the permit is no longer eligible for parallel review by EPA;
 - b. JCDH must notify EPA of the extended public notice period; and
 - c. JCDH must submit a proposed permit to EPA for 45-day review subsequent to the close of the extended public notice period. Should JCDH need an expedited review by EPA, then EPA will work to accommodate any such requests.
3. JCDH will transmit to EPA a copy of all public comments received regarding the permit issuance procedure or permit content prior to the end of the public comment period or as soon as received.
4. The draft/proposed permit is not changed during the public comment period. If a draft/proposed permit under parallel review is changed during the public comment period, EPA shall reinstate its 45-day review period upon receipt of the revised proposed permit.

JCDH may choose to transmit a copy of all public comments, a copy of all JCDH responses to comments, and a copy of any page(s) revised in the draft permit as a result of comments to EPA prior to the end of the public comment period or as soon as available. Should EPA determine that the changes to the draft permit are minor in nature or have been adequately addressed, Region 4 will transmit a response to JCDH indicating that EPA will not reinstate its 45-day review period.

D. PERMIT REVISIONS

All permit revisions (i.e., administrative, minor, and significant revisions) and any associated public notices shall be transmitted to the Region electronically as discussed in section I.A. above. EPA Region 4 will work with JCDH to streamline the permit revision process where possible in accordance with existing regulations. If determined to be necessary, this portion of the protocol will be subject to change once the revisions to part 70 are finalized in order to accomplish any necessary streamlining between both agencies.

1. The Region will target for comprehensive review several permits in the following categories:

- a. administrative permit amendments (as defined in 40 CFR 70.7(d)),
 - b. minor permit modifications (as defined in 40 CFR 70.7(e)(2)),
 - c. significant permit modifications (as defined in 40 CFR 70.7(e)(4)),
 - d. facility changes under section 502(b)(10) of the Clean Air Act and the emissions trading provisions of 40 CFR 70.4(b)(12), and
 - e. "off-permit" changes made pursuant to 40 CFR 70.4(b)(14).
2. JCDH will submit copies of administrative permit amendments to EPA Region 4 within 30 days of final action. Other permit revisions will be submitted in accordance with part 70.
3. All permit revisions and public notices (if required) shall be transmitted to EPA Region 4 electronically as described in section I.A. above.

Appendix A

PERMIT APPLICATION SUMMARY FORMGeneral Facility Information

Facility name
 Facility address
 Source description
 SIC code of major product

AFS(9-digit) or CDS (10-digit) Plant ID
 Date application received
 Application number
 Permit number(s)

Application Type/Permit Activity

☐ Initial issuance
☐ Permit modification
☐ Permit renewal

☐ General permit
☐ Conditional major

Facility Emissions Summary

Pollutant	Potential Emissions (tpy)
PM	
SO ₂	
NO _x	
CO	
VOC	
LEAD	
HAP \geq 10 tpy or 25 tpy (by CAS)	

Compliance Summary

☐ Source is out of compliance
☐ Compliance certification signed

☐ Compliance schedule included

Applicable Requirements list

☐ NSR
☐ PSD

☐ NSPS
☐ NESHAPS/MACT

☐ SIP
☐ Other

Miscellaneous

☐ Acid rain source
☐ Facility subject to 112(r)
☐ Source requested synthetic PTE limit to avoid major source requirement (e.g., PSD, MACT)
☐ Source subject to case-by-case 112(g) or (j) determination
☐ Source applied for federally enforceable emissions cap
☐ Source applied for a plant-wide applicability limit (PAL)
☐ Source subject to a MACT standard
☐ Source provided terms for alternative operating scenarios
☐ Source requested terms for operational flexibility
☐ Source requested streamlining of multiple applicable requirements
☐ Source requested monitoring plan to establish periodic monitoring
☐ Application proposes new control technology
☐ Certified by responsible official
☐ Diagrams or drawings included
☐ Confidential business information (CBI) included

Appendix A
PERMIT REVIEW STRATEGY CHECKLIST

SOURCE _____

PERM
9-digi

Is this submittal being made in response to section II.A. of the protocol? ☐ Yes ☐ No

If yes, complete the following checklist:

EPA PERMIT REVIEW STRATEGY - Check all categories that apply.

- ☐ 1. Any source (e.g., significant violators, radio nuclide sources, controversial sources) specifically requested by the permit agency.
- ☐ 2. Any source proposing use of a monitoring plan to establish periodic monitoring after initial permit issuance. (Note: This would only occur in rare circumstances as discussed in EPA Region 4's December 24, 1998 letter to JCDH regarding monitoring plans for title V operating permits.)
- ☐ 3. Any source proposing use of a plant-wide applicability limit (PAL).
- ☐ 4. Any source requesting special permit conditions providing for operational flexibility.
- ☐ 5. All sources proposing an alternative emission limitation, test method, monitoring requirement, or record keeping requirement.
- ☐ 6. The first two (2) sources subject to the Phase II requirements under the title IV acid rain program.
- ☐ 7. All municipal waste combustors subject to permitting under section 129(e) of the Act.
- ☐ 8. The first source subject to each MACT standard.
- ☐ 9. All sources subject to case-by-case MACT under 112(g) and the first source in a source category subject to case-by-case MACT under 112(j).
- ☐ 10. All sources associated with the early reduction program (40 CFR part 63, subpart D).
- ☐ 11. Submitted in response to special request by EPA Region 4.

INFORMATION ATTACHED - Paper copies of permit-related documents. Indicate all that apply.

☐ Pre-draft Permit ☐ Draft Permit ☐ Draft/Proposed Permit ☐ Proposed Permit

- ☐ 1. Complete permit application (including attachments) and permit statement of basis.
- ☐ 2. Permit-related information (e.g., public notices, public comments) requested by EPA.
- ☐ 3. Confidential business information.

ELECTRONIC FILENAMING

In order to remain consistent with DOS filenames restrictions and yet allow for unique file identification Region-wide, the State and/or local air permit agency will use the following convention when assigning file names to electronic files (i.e., word processing files):

DOS file restrictions limit the length of a filename to eight characters plus a three character file extension (testfile.ext). For this filenames procedure, only the first eight characters will be used to create a unique electronic file name. The remaining three characters in the file extension may be used by the State and/or local air permit agency to describe the file type (e.g., "wpf" for WordPerfect format, "zip" for compressed files, "wks" for Lotus spreadsheets, etc.).

The first eight characters in the file name are assigned by position.

1	2	3	4	5	6	7	8	.	e	x	t
---	---	---	---	---	---	---	---	---	---	---	---

Position 1: is the first character from State submitting the electronic file: Alabama, Florida, Georgia, Kentucky

Positions 2-3: are the AIRS-AFS two-digit county code. For numeric county codes greater than 99, use an alphabetical substitute for the first two numbers. Use the following substitutions for county codes greater than 99:

A = 10	F = 15	K = 20	P = 25	U = 30	Z = 35
B = 11	G = 16	L = 21	Q = 26	V = 31	
C = 12	H = 17	M = 22	R = 27	W = 32	
D = 13	I = 18	N = 23	S = 28	X = 33	
E = 14	J = 19	O = 24	T = 29	Y = 34	

For example, Fulton County, Georgia is county number 121; therefore, the first two digits (12) should be replaced by the letter "C" resulting in "C1" for the county.

Positions 4-7: are the last four digits from the AIRS-AFS NEDS or CDS Plant identification number.

Position 8: provides a one character code for the type of information contained in the electronic file. Use the following code when assigning this character:

A = part 70 permit <u>A</u> pplication	B = Statement of <u>B</u> asis
U = part 70 s <u>U</u> mmary application	M = draft <u>M</u> inor permit
N = public <u>N</u> otice	I = final m <u>I</u> nor permit
D = <u>D</u> raft part 70 permit	S = draft <u>S</u> ynthetic minor permit
C = public <u>C</u> omment	Y = final s <u>Y</u> nthetic minor permit
P = <u>P</u> roposed part 70 permit	X = other
F = <u>F</u> inal part 70 permit	1-9, 0 = revisions 1-10

Example:

G	C	1	3	3	3	3	P	.	Z	I	P
---	---	---	---	---	---	---	---	---	---	---	---

Interpretation: proposed part 70 permit for Company 3333 located in Fulton County, Georgia; electronic file has been compressed.